

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff

VS.

ANTHONY RYPKA, Jr.,

Defendant.

Docket No.: 07 Cr. 980 (CM)

COUNSEL'S PROPOSED VOIR DIRE QUESTIONS

1. Do you own a computer? Are you connected to and do you use the internet?
2. How would you describe your level of knowledge about computers and computer technology?
3. Anthony Rypka is a uniformed police officer for the Tarrytown Police Department. Do you harbor any prejudice against police officers?
4. Would you hold a police officer to a higher standard of conduct than the average citizen?
5. Do you have any children? What are the ages and gender of your children?
6. There will be unpleasant images that you will see in the course of the evidence presented in this case. Do you promise to keep an open mind until you have seen and heard all of the evidence? And do you promise not to shut your mind down the moment you view these difficult pictures of child pornography?
7. The government has the burden of proof and it must establish beyond a reasonable doubt that Anthony Rypka was in fact the person who committed the crimes charged in counts 1 and count 2 of the indictment. Despite viewing the offensive images of the child pornography, do you promise to keep an open mind and to hold the government to its burden of proof, which is to prove that Anthony Rypka committed these offenses.
8. The burden of proof is on the government and never shifts to the defendant. Do you understand that concept? The defendant does not have to prove anything.

9. Once having viewed the images do you promise not to shut your mind or to judge Anthony Rypka until such time that you have heard all the evidence in the case?
10. There will be testimony offered in this case from FBI agents and State Police Officers. Do you believe that all FBI agents and State Police Officers are always truthful? Do you understand that the police are not entitled to a presumption that they are telling the truth merely because they are police officers?
11. Is it your belief that viewing any type of pornography – including adult pornography - on the internet is or should be illegal? Do you believe that all individuals who view adult pornography also view child pornography?
12. Do you or any member of your family have specialized computer training?
13. Do you or any member of your family regularly access any newsgroups on the Internet? If yes, which Newsgroups do you/they access?
14. Do any of you believe that the Internet should be completely unregulated, such that anything that is said or done on the Internet should remain private?
15. Do you have any knowledge of, or experience with, saving or downloading picture files in, or retrieving picture files from a computer?
16. Do you have any experience with attaching a picture file to an e-mail?
17. Do you have any experience with obtaining image files from the Internet or transferring image files over the Internet?
18. The evidence in this case will include images of what the government alleges to be children involved in sexually explicit conduct. Do any of you believe that simply because of this subject matter, you would disregard the Court's instructions to you, and that it would be impossible to accept that this defendant is innocent until proven guilty beyond a reasonable doubt?
19. Your duty, as jurors, is to judge guilt or innocence based upon the evidence. It is the duty of the judge to determine punishment if you vote guilty. The law does not permit you to consider the issue of punishment because there are factors having nothing to do with this trial which will determine lenience of harshness.
20. Do each of you understand that regardless of any personal feelings or opinions you have about this case, that you must accept the law regarding it from the Court? Will each of you follow this rule?
21. If you were selected to sit as a juror in this case, would you be willing and able to render a verdict based solely on the evidence presented and the law as the Court

will give it to you in its, instructions, disregarding any other ideas, notions or beliefs about the law that you have encountered? If no, please explain.

22. Do any of you hold any philosophical, moral, or religious beliefs which would make it difficult to sit in judgment on another human being?

23. If you were the Assistant United States Attorney charged with the responsibility of prosecuting this criminal case, or if you were the defendant, would you feel comfortable having someone like you as a juror? If no, please explain.

Very Respectfully Submitted,

cc. Nicholas McQuaid AUSA

_____/s/_____
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